

**FILED****United States District Court**

MAY - 4 2005

MIDDLE

DISTRICT OF

ALABAMA

CLERK

U. S. DISTRICT COURT  
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA

**CRIMINAL COMPLAINT**

v.

MORGAN CHIGAWA,  
MALIK ELAWADCASE NUMBER: 3:05 MJ 66-CSC

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about May 2, 2005, in Russell county, in the Middle District of Alabama defendant(s) did, (Track Statutory Language of Offense)

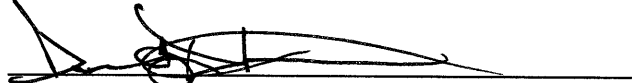
by force and violence and by intimidation, take, from the person and presence of another, property and money and any thing of value belonging to, and in the care, custody, control, management and possession of, any bank, and in committing and in attempting to commit said offense, assault any person and put in jeopardy the life of any person by the use of a dangerous weapon and device; and, during and in relation to any crime of violence for which the person may be prosecuted in a court of the United States, used a firearm, or who, in furtherance of said crime, possessed a firearm,

in violation of Title 18 United States Code, Section(s) 2113(a) & (d), 924(c)(1)(A)

I further state that I am a(n) Special Agent with the Federal Bureau of Investigation and that this complaint is based on the following facts: Official Title

See attached Affidavit which is incorporated by reference herein

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No



Signature of Complainant

Sworn to before me and subscribed in my presence,

May 4, 2005

Date

at

Montgomery, Alabama

City and State

SUSAN RUSS WALKER, U.S. MAGISTRATE JUDGE

Name &amp; Title of Judicial Officer



Signature of Judicial Officer

FILED

MAY - 4 2005

MIDDLE DISTRICT OF ALABAMA

MONTGOMERY, ALABAMA

CLERK  
U. S. DISTRICT COURT  
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA )

VS. )

MORGAN CHIGAWA; )  
MALIK ELAWAD )

AFFIDAVIT

Being duly sworn, Affiant swears and affirms the following to  
the best of his knowledge and belief:

This affidavit is in support of a Complaint and  
Arrest Warrant charging MORGAN CHIGAWA and MALIK ELAWAD, both  
adults, with violation of 18 United States Code, Section  
2113(a)(d) (Armed Bank Robbery), and 924(c) (Use of a Firearm  
in the Commission of a Felony).

The facts supporting this request are as follows:

Affiant, Paul B. Houston, is employed as a Special  
Agent with the Federal Bureau of Investigation, and has been  
so employed for approximately 17 years. As part of my  
duties, I investigate robberies of banking institutions  
insured by the Federal Deposit Insurance Corporation (FDIC),  
and have investigated over 300 such robberies.

On Monday, May 2, 2005, I was summoned to the  
Regions Bank, located at 3548 Highway 280/431 North in Phenix

1 City, Russell County, Alabama, an institution whose deposits  
2 are insured by the FDIC, to investigate a robbery which had  
3 occurred at that location shortly before closing time same  
4 date. Upon arrival at the bank, I learned through officers  
5 of the Phenix City, Alabama, Police Department, that two  
6 young black males had entered the bank and stood briefly in  
7 line before both brandished weapons, and one of the two fired  
8 a shot through the teller counter, which hole I personally  
9 saw. At least one of the subjects then leapt the teller  
10 counter, while both demanded money and brandished their  
11 weapons, shouting obscenities and physically threatening the  
12 employees. The bank employees complied with the robbers'  
13 demands, and the robbers stuffed United States currency into  
14 bags, before leaving the bank through the front door.

15  
16 On Tuesday, May 3, 2005, I received copies of  
17 handwritten statements of several of the above-mentioned  
18 witnesses, pertaining to the May 2, 2005 robbery of the  
19 Regions Bank as described above, from Captain Jim Hart of the  
20 Phenix City Police Department, which supplemented the general  
21 statements given me by the on-scene officers. Those  
22 statements reflect in part as follows:

23  
24 Tamara Ovdenk, an employee of Regions Bank, 3548  
25 Highway 280/431 North in Phenix City, Russell County,  
26 Alabama, advised that she was at her place of employment when  
27 a short black male entered the bank and stood in line. The  
28 subject thereafter approached her teller window and indicated

1 a desire to open an account, to which she responded that he  
2 would have to see another employee. The subject stared at  
3 Ms. Ovdenk, and she heard another employee scream. The  
4 subject then produced a weapon and fired a shot before  
5 leaping onto and over the teller counter, while "screaming,  
6 Bitch, give me the money." Ms. Ovdenk complied with the  
7 subject's demands, producing United States currency from her  
8 teller drawer, and the subject grabbed currency from her  
9 drawer as well and told her to open her second drawer. Ms.  
10 Ovdenk also noted a second subject in the bank as well, who  
11 approached her and yelled at her along with the first  
12 subject. The second subject took currency from Ms. Ovdenk's  
13 teller drawer as well. Ms. Ovdenk noted that the shorter of  
14 the two subjects had a noticeable "foreign accent", and that  
15 the subjects placed stolen currency into a purple or lavender  
16 pillow case.

17  
18 Jennifer Jenkins, an employee of Regions Bank, 3548  
19 Highway 280/431 North in Phenix City, Russell County,  
20 Alabama, advised in her statement that she heard employee  
21 Candace Collins (Candy) screaming along with a gunshot. Ms.  
22 Jenkins saw bank customers run out the bank, and she noted  
23 that a black male wearing a mask and brandishing a gun left  
24 Candy's office and pointed the weapon at her. The subject  
25 pointed his gun at her and told her to get down, and when she  
26 complied, subject dragged her out of her office by the shirt  
27 while pointing the gun at the back of her head. The subject  
28 continued screaming at her to stay down, saying words to the

1 effect, "Don't make me kill you!" The subject returned to  
2 her again and held the gun to her head, telling her to stay  
3 calm, and then she saw the two subjects run out of the bank.  
4

5 On Monday, May 2, 2005, affiant personally  
6 interviewed a Regions Bank customer, Gregory N. Harrison, who  
7 advised that he had just pulled into bank's parking lot and  
8 was almost immediately outside the front door of the bank in  
9 his vehicle, when he saw two young black males run out of the  
10 bank with guns and money in a bag. Harrison described the  
11 subjects as being in their early 20s, maybe younger, one  
12 being noticeably taller than the other, the taller being  
13 5'11", 160 - 165 lbs, light complected, wearing all black  
14 clothing, a ball cap and some sort of scarf over his face  
15 which fell down as he moved. Harrison said he noticed  
16 something white under one of the subject's dark clothing such  
17 as undergarments of some sort. The taller subject carried a  
18 large, dark semi-automatic weapon, possibly a large handgun  
19 or small assault-style weapon, which appeared to be wrapped  
20 in something, in his right hand with his left hand apparently  
21 supporting the front portion of the weapon as well. Harrison  
22 thought this taller subject had "corn rows" in his hair,  
23 though he wore a baseball cap.  
24

25 Harrison described the second, shorter subject as  
26 being a black male in his early 20's or younger, 5'7" - 5'9",  
27 155-160 lbs, slightly darker in complexion than the taller  
28 subject, who also wore black clothing and a baseball cap.

1 The shorter subject was carrying a small, dark handgun in his  
2 right hand, as well as what Harrison perceived to be money in  
3 a garbage bag in his left hand. Harrison advised that this  
4 subject also had what appeared to be a pink or red towel  
5 draped over the bag of money.

6  
7 Harrison said the two subjects strode past his  
8 vehicle and looked directly at him before entering a tan or  
9 gold late-model Mazda Protege, which was backed into a  
10 parking space away from, but generally facing, the bank.  
11 Harrison surmised the two had just robbed the bank, so he  
12 followed the vehicle away from the bank at a distance, and  
13 dialed 9-1-1 from his cellular telephone. Harrison noted  
14 that the vehicle did not initially have any license plate  
15 affixed to it, but as he continued following the vehicle, he  
16 saw it back out of a construction site on Lakewood Drive with  
17 Georgia license plate 711 XWH affixed. Harrison advised he  
18 was so close to the vehicle he could see the two subjects  
19 from the bank inside, the passenger looking back at him.  
20 Harrison continued following the Mazda to Summerville Road,  
21 onto which the vehicles turned left. Harrison continued  
22 following the vehicle until the general area of Pierce Road,  
23 at which time he lost sight of the vehicle due to the heavy  
24 traffic in the area combined with the aggressive driving of  
25 maneuvers of the Mazda. Harrison noted that he was on the  
26 cellular telephone with the 9-1-1 operator nearly the entire  
27 time.

1           On Tuesday, May 3, 2005, I spoke with FBI SA  
2 Christian L. Deeb, who had accompanied me to the Regions Bank  
3 in response to the above-described, May 2, 2005 robbery of  
4 same. He advised that he had spoken with Chris Hudgins,  
5 Regions Bank Fraud Investigator, who had responded to the  
6 robbery, and that Hudgins advised him that the total loss in  
7 United States currency as a result of the robbery was  
8 \$10,848.50.

9  
10           As a part of my investigation, I met with numerous  
11 law enforcement officials from various FBI offices in  
12 Georgia, primarily Columbus, Atlanta, and Macon, as well as  
13 numerous officers from the Columbus, Georgia Police  
14 Department. In summary, these officials advised me that  
15 following the above-described robbery, a law-enforcement  
16 bulletin describing the robbery events, to include the  
17 description of the Mazda bearing Georgia license 711 XWH, was  
18 broadcast to local law enforcement. Thereafter, Columbus,  
19 Georgia Police Department detectives located the vehicle at  
20 the Peachtree Mall in Columbus, Georgia. Shortly after its  
21 discovery, four black males in a second vehicle pulled  
22 alongside the Mazda, parked, and got out of their vehicle.  
23 At this same time, two black males left the mall, approached  
24 them and exchanged greetings, while moving toward the Mazda.  
25 When the Columbus Police Department officers approached and  
26 ordered the individuals to the ground, the four males who had  
27 just arrived complied immediately, while the two walking  
28 toward the Mazda fired upon the officers, striking one

1 officer at least twice before fleeing the scene in the Mazda.

2  
3 During the late night hours of Monday, May 2, 2005,  
4 reporting agent was present at the Columbus Police  
5 Department, Columbus, Georgia, when a series of bank  
6 surveillance photographs depicting the above-described  
7 robbery was delivered to investigators. One of these  
8 photographs which depicts the two subjects inside the bank  
9 was shown by FBI SA Tom Class of the Columbus FBI Office, to  
10 Heather Lowe Taylor. Ms. Taylor is a 20 year old female, who  
11 is the principal driver of the gold Mazda, Georgia license  
12 711 XWH, the vehicle being owned by her parents. Ms. Taylor  
13 advised SA Class that at about 11:00 a.m., Monday, May 2,  
14 2005, she was at the residence of Shane Neal and MORGAN  
15 CHIGAWA, 2419 Martha's Loop, Columbus, Georgia, when MALIK  
16 ELAWAD asked to borrow the Mazda to take Hassan Elawad, his  
17 brother, home. Ms. Taylor allowed MALIK ELAWAD to borrow the  
18 vehicle, and MALIK ELAWAD, Hassan Elawad, and MORGAN CHIGAWA  
19 left the residence. The vehicle was never returned. Ms.  
20 Taylor viewed the bank robbery surveillance photograph from  
21 the Regions Bank robbery earlier same date, and positively  
22 identified MORGAN CHIGAWA as being the shorter of the two  
23 robbers. Ms. Taylor could not be certain of the identity of  
24 the second robber, but said it could be MALIK ELAWAD or  
25 Hassan Elawad.

26  
27 Late in the night of Monday, May 2, 2005, or early  
28 in the morning of Tuesday, May 3, 2005, FBI SA Randy Allen



1 interviewed Gamal Elawad, MALIK ELAWAD's brother. Gamal  
2 advised that he saw MALIK ELAWAD wearing dark clothing and  
3 tennis shoes at the family residence sometime around 11:00  
4 a.m. to noon that same day. SA Allen showed Gamal the same  
5 Regions Bank surveillance photograph described above, and  
6 Gamal positively identified the taller of the two robbers as  
7 his brother, MALIK ELAWAD, and the shorter of the two as  
8 MORGAN CHIGAWA. He advised that MALIK ELAWAD has been  
9 associating with MORGAN CHIGAWA since the first of the year,  
10 as both attend Columbus State University.  
11

12 Late in the night of Monday, May 2, 2005, or early  
13 in the morning of Tuesday, May 3, 2005, FBI SA Mike Thompson  
14 of the Macon, Georgia FBI Office, interviewed Ayman Elawad,  
15 MALIK ELAWAD's brother. During the course of interview,  
16 Thompson showed Ayman the same Regions Bank robbery  
17 surveillance photograph as mentioned above, and Ayman  
18 positively identified the taller of the two subjects as his  
19 brother, MALIK ELAWAD, and the shorter of the two as MORGAN  
20 CHIGAWA.  
21

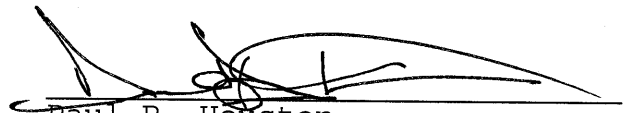
22 Late in the night of Monday, May 2, 2005, or early  
23 in the morning of Tuesday, May 3, 2005, FBI SA Gordon Hurley  
24 interviewed Christoffer Shane Neal, residence address 2419  
25 Martha's Loop, Columbus, Georgia, and showed him the same  
26 Regions Bank robbery surveillance photograph as mentioned  
27 above. Neal positively identified MORGAN CHIGAWA as being  
28 the shorter of the two robbers, and advised that he has known

1 CHIGAWA for about eight to nine months, and has lived with  
2 him for the past two weeks. Neal positively identified MALIK  
3 ELAWAD as being the taller of the two robbers inside the  
4 bank. Neal noted that MALIK ELAWAD had borrowed Heather  
5 Taylor's Mazda earlier same date to take his (MALIK's)  
6 brother Hassan Elawad home, and that MORGAN had evidently  
7 left with them, though he did not actually see them enter the  
8 vehicle. Neal voluntarily consented to a search of his  
9 residence, during which search a black laptop computer case  
10 belonging to MORGAN CHIGAWA was located which contained,  
11 inter alia, eleven rounds of .38 caliber hollow point  
12 ammunition.

13  
14 On Tuesday, May 3, 2005, at approximately 1:15  
15 p.m., FBI SA Gordon Hurley received a telephone call from  
16 Sammy Taylor, Heather Taylor's father, who advised that  
17 minutes earlier Heather had received a telephone call from  
18 MALIK ELAWAD who apologized for not returning her car, saying  
19 the car had sustained a flat tire. When Heather became upset  
20 and said she knew what had happened with the car, MALIK hung  
21 up the phone and has neither returned the vehicle nor called  
22 again.

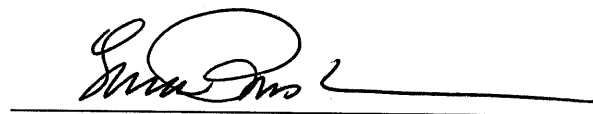
23  
24 Based on the above information, I believe probable  
25 cause exists to believe that MORGAN CHIGAWA and MALIK ELAWAD  
26 committed an armed bank robbery on Monday, May 2, 2005, of  
27 the Regions Bank located at 3548 Highway 280/431 North in  
28 Phenix City, Russell County, Alabama, utilizing a firearm

1 during the commission of the crime, all in violation of 18  
2 United States Code, Section 2113(a) and (d), Armed Bank  
3 Robbery, and 18 United States Code, Section 924(c), use of a  
4 firearm in the commission of a crime of violence.

5  
6  
7 

8 Paul B. Houston  
9 Special Agent  
Federal Bureau of Investigation  
Opelika, Alabama

10 Subscribed and sworn to before me this \_\_\_\_ day of May, 2005.

11  
12 

13 U.S. Magistrate Judge  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28